

1. Plaintiffs Delaware Riverkeeper Network and the Delaware Riverkeeper, Maya van Rossum, by and through their counsel, respectfully request that this Honorable Court deny the Motion to Dismiss filed by Defendants United States Environmental Protection Agency and Andrew R. Wheeler. Plaintiffs hereby adopt and incorporate by reference the attached Memorandum of Law in Opposition to Defendants' Motion to Dismiss.

2. WHEREFORE, the Plaintiffs, having answered the Defendants' Motion to Dismiss, respectfully request that this Honorable Court deny it.

Respectfully submitted this 28th day of September, 2020,

/s/ Mark L. Freed
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CERTIFICATE OF SERVICE

Mark L. Freed hereby certifies that on the date set forth below, he caused a true and correct copy of Plaintiffs' Opposition to Defendants' Motion to Dismiss, supporting Memorandum of Law, and a proposed form of order, to be served on all counsel of record through the Court's electronic notification system.

Dated: September 28, 2020

/s/ Mark L. Freed

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